



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

MAY 02 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Greg Meyers
President
Wayne Metals, LLC
400 East Logan Street
Markle, Indiana 46770

Re: Finding of Violation for Wayne Metals, LLC

Dear Mr. Meyers:

This is to advise you that the U. S. Environmental Protection Agency has determined that the Wayne Metals facility at 400 East Logan Street, Markle, Indiana (facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing you a Finding of Violation (FOV).

The CAA requires the development of regulations to protect and enhance the quality of the nation's air so as to promote public health and welfare and the productive capacity of its population. To attain and maintain these standards EPA has developed emission standards to reflect the Maximum Achievable Control Technology (MACT). Hazardous Air Pollutants (HAPs) may cause serious health effects including birth defects and cancer. They may also cause harmful environmental and ecological effects. The Surface Coating of Miscellaneous Metal Parts and Products MACT (MACT Subpart M) includes the following requirement, which applies to your facility:

- Each existing general use coating affected source shall limit organic HAP emissions to no more than 0.31 kg (2.6 lb) organic HAP per liter (gal) coating solids used during each 12-month compliance period.

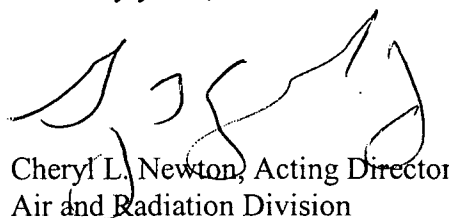
EPA finds that Wayne Metals has violated the above-listed MACT requirement.

We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific finding of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Shannon Downey. You may call her at (312) 353-2151 if you wish to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely yours,



FOR
Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Craig Henry, Acting Section Chief
Indiana Department of Environmental Management

United States Environmental Protection Agency

| | | |
|---------------------------|---|----------------------|
| IN THE MATTER OF: |) | |
| |) | |
| Wayne Metals, LLC |) | FINDING OF VIOLATION |
| Markle, Indiana |) | |
| |) | EPA-5-08-15-IN |
| |) | |
| Proceedings Pursuant to |) | |
| the Clean Air Act, |) | |
| 42 U.S.C. §§ 7401 et seq. |) | |

FINDING OF VIOLATION

Wayne Metals (you) owns and operates a miscellaneous metal plate finishing facility at 400 East Logan Street, Markle, Indiana (facility).

The United States Environmental Protection Agency is sending this Finding of Violation (FOV or notice) to you for violating Maximum Achievable Control Technology (MACT) Subpart M and the underlying statutory and regulatory requirements including provisions of the Clean Air Act (the Act or CAA), its implementing regulations, and your Title V Permit.

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in this FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

Explanation of Violations

The following regulations are relevant to this FOV:

Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

40 C.F.R. Part 63, Subpart M, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products (MACT Subpart M)
40 C.F.R. §§ 63.3880 – 63.3981:

1. Factual Background:

- a) Wayne Metals owns and operates a general use metal coating facility at 400 East Logan Street, Markle, Indiana.
- b) Wayne Metals is a major source of hazardous air pollutants (HAPs) making it subject to 40 C.F.R. Part 63, Subpart Mmmm.
- c) The facility has a Title V Permit, number T 179-15230-00016, issued by the Indiana Department of Environmental Management on October 6, 2003.
- d) The effective date for MACT Subpart Mmmm, 40 C.F.R. §§ 63.3880 – 63.3981, is January 2, 2004.
- e) The facility is an affected source, as that term is defined by 40 C.F.R. § 63.3381(b), and as indicated in the facility's permit.
- f) The facility was constructed prior to August 13, 2002, and is therefore an existing source, as defined by 40 C.F.R. § 63.3882 and as indicated in the facility's permit.
- g) 40 C.F.R. § 63.3890 (b)(1) states that existing sources must limit organic HAP emissions to the atmosphere from the affected source to the applicable limit.
- h) For each existing general use coating affected source the organic HAP emissions limit is no more than 0.31 kg (2.6 lb) organic HAP per liter (gal) coating solids used during each 12-month compliance period.
- i) MACT Subpart Mmmm requires that existing affected sources be in compliance by January 2, 2007.
- j) For existing affected sources, the first compliance period ran from January 2, 2007 - January 1, 2008.

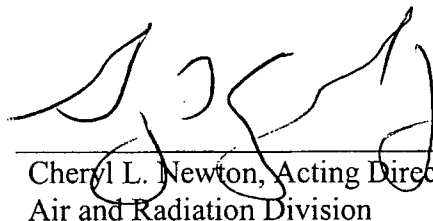
2. Alleged Violations:

- a) According to Wayne Metals' February 26, 2008, Notification of Compliance Status, its 12 month rolling average of 3.44 lb organic HAP per gallon coating solids exceeded the limit for its initial one-year compliance period.
- b) This constitutes a violation of MACT Subpart Mmmm, § 63.3890, and Section D.1.11 of its Title V Permit.

Environmental Impact of Violations

Violation of the HAP standards may cause serious health effects including birth defects and cancer. They may also cause harmful environmental and ecological effects.

5/2/08
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING


I, Betty Williams, do hereby certify that a Finding of Violation (EPA-5-08-15-IN) of the Clean Air Act was sent by Certified Mail, Return Receipt Requested, to:

Mr. Greg Meyers
President
Wayne Metals, LLC
400 East Logan Street
Markle, IN 46770

I also certify that I sent copies of the Finding of Violation (EPA-5-08-15-IN) by first class mail to:

Craig Henry, Acting Section Chief
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

on the 2nd day of May, 2008.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320 0006 0186 1513.